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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,765	07/11/2005	David Lee Sandbach	9637-076/NP	6038

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EXAMINER

DUNLAP, JONATHAN M

ART UNIT	PAPER NUMBER
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2112

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
31 DAYS	01/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/541,765

Applicant(s)

SANDBACH ET AL.

Examiner

Jonathan Dunlap

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-19 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

1. This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I - claims 1-16, drawn to a manually deformable input device.

Group II - claim 17, drawn to a method of detecting deformation of a deformable input device.

Group III - claim 18, drawn to a deformable input device as described in **Figures 1-26**.

Group IV - claim 19, drawn to a method of detecting deformation of a deformable input device as described in **Figures 1-26**.

2. The inventions listed as **Groups I-IV** do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The groups fail to meet the requirements of PCT Rule 13.2 in that they present an illegal combination of different categories of inventions. According to Rule 3.2, only

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one invention in each category (product, process or apparatus) may be permitted.

Groups I-IV have two products and two processes.

Furthermore, **Group I** contains an electrical interface device which is configured to supply current through a first and second terminal and received a voltage from a third terminal.

Group II does not contain an electrical interface device.

Group III does not contain an electrical interface device.

Group IV does not contain an electrical interface device.

3. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1. In order for more than one species to be examined, the appropriate additional examination fees must be paid.

4. Upon the election of the **Group III** invention, Applicant is required to elect one of the following species:

Species I, Figures 1-9;
Species II, Figures 10-14;
Species III, Figure 15;
Species IV, Figures 16-20;
Species V, Figure 21;
Species VI, Figure 22;
Species VII, Figure 23;
Species VIII, Figures 24-25; or
Species IX, Figure 26.

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5. The claims are deemed to correspond to the species in the following manner:

Claims 2, 4-6, and 9-11, 13 and 17 are directed towards Species I;
Claims 2, 4-6, 9-11, 13 and 16-17 are directed towards Species II;
Claims 3-4, 7, 9-11, 13 and 16-17 are directed towards Species III;
Claims 2, 9-11, 13 and 15-16 are directed towards Species IV;
Claims 2, 10-11, 13 and 17 are directed towards Species V;
Claims 2, 4-6, 9-11, 13 and 16-17 are directed towards Species VI;
Claims 2 and 16 are directed towards Species VII;
Claims 3, 10 and 13-17 are directed towards Species VIII; and
Claims 3, 5, 7-11, 13 and 16-17 are directed towards Species IX.

6. **Claim 1** is generic.

7. **Claim 12** is not directed towards any of the specified Groups or Species in that no single embodiment produces all of the claimed output signals.

8. With regards to an inventive step, **U.S. Patent 4,810,992 to Eventoff**, discloses similar features as claimed. He discloses a manually deformable input device which has a resilient element configured to deform in response to a pressure, an electroconductive material covering the resilient element, an electrical interface device that supplies current and receives a voltage from a first pair of terminals through a third terminal.

9. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Dunlap whose telephone number is (571) 270-1335. The examiner can normally be reached on M-F 8-5 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrell McKinnon can be reached on (571) 272-4797. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



TERRELL L. MCKINNON
SUPERVISORY PATENT EXAMINER

Jonathan Dunlap
Examiner
Art Unit 2112
January 3, 2007

